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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/966,518 09/28/2001 Paul M. Petersen 042390.P11919 4755

8791 7590 01/13/2006

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| EXAMINER |
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WOOD, WILLIAM H

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| ART UNIT | PAPER NUMBER |
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2193

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/966,518 | Applicant(s) PETERSEN ET AL. | |
| | Examiner William H. Wood | Art Unit 2193 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-51 is/are pending in the application.
- 4a) Of the above claim(s) 31-40 and 43-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 41 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 31-40 and 43-51 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 31-51 are pending and have been examined.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 21 October 2005 has been entered.

Election/Restrictions

2. Newly submitted claims 31-40 and 43-51 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the newly claimed invention recites adding initialization logic **to** the global storage object and thus is an invention of code contained in a global storage object, whereas the previously claimed invention was directed toward code in a thread not the object.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 31-40 and 43-51 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 41-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The subject matter not originally disclosed is the limitation, "wherein the thread private copy of the global storage object is subsequently retrieved by the thread **directly** from the at least one cache object" (emphasis added). The originally disclosure did not discuss direct retrieval. The new matter must be removed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 41-42 are rejected under 35 U.S.C. 102(b) as being anticipated by

Poulsen et al. (USPN 5,812,852).

Claim 41

Poulsen disclosed a system comprising:

a translation unit to receive a program unit having a global storage object (*figure 1, element 120; column 4, line 67 to column 5, line 6*), wherein the global storage object is to be accessed by a thread during execution in a multi-processing shared memory environment (*figure 1, element 100; column 4, lines 62-67*), the translation unit to translate the program unit into a translated program unit, wherein the translated program unit is to determine whether a cache object has been allocated for the global storage object (*column 7, lines 22-39; column 9, lines 5-19; column 10, lines 38-44*), to generate at least one cache object for the global storage if a cache object has not been allocated (*column 7, lines 22-39; column 9, lines 5-19; column 10, lines 38-44*) and to generate a thread private copy of the global storage object for the thread during execution (*column 5, lines 11-20*), the thread private copy of the global storage object generated by a routine in a run time library (*figure 1, element 140; column 9, lines 5-19*), wherein the thread private copy of the global storage object is subsequently retrieved by the thread directly from the at least one cache object (*column 5, lines 11-14*); and

a compiler unit coupled to the translation unit, the compiler unit to receive the translated program unit and to generate object code based on the translated program unit (*figure 1 and column 8, lines 28-45*).

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Claim 42

Poulsen disclosed the system of claim 41, comprising an execution unit coupled to the translation unit, the compiler unit and a run time library, the execution unit to receive the object code and to execute the object code in a multi-processing shared memory environment (*column 8, lines 42-45, executable unit required for execution*).

Response to Arguments

5. Applicant's arguments filed 21 October 2005 have been fully considered but they are not persuasive. Applicant argues **Poulsen** does not disclose generating a cache object or retrieving privatized objects directly from a cache object. First, cache object is clearly disclosed as admitted by Applicant (Remarks: page 7, line 10), a structure. Second, the broadest reasonable interpretation of the claim language reads upon the cited prior art. Even if Applicant's argument stating a runtime library is required every time an access occurs is correct (though this is not admitted), "directly" does not avoid this as the word itself is open to interpretation. For example, some degree of software must facilitate the "direct" action in the computing system. Thus, the rejection under **Poulsen** is appropriate.

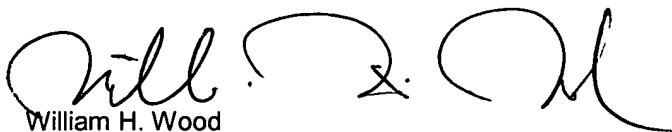
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Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 9:00am - 5:30pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)-272-3719. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



William H. Wood
January 9, 2006



KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100